



SO ORDERED.

SIGNED this 19 day of January, 2010.



Randy D. Doub
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN RE:

**KATINA LAVERN GLOVER
DEBTOR**

**CHAPTER 13
CASE NO. 09-10197-8-RDD**

**ORDER DISMISSING CASE FOR FAILURE TO
TIMELY FILE CERTIFICATE OF CREDIT COUNSELING**

This matter is before the court on the order for the debtor to appear and show cause as to why this case should not be dismissed or other sanctions imposed based on the failure of the debtor to file her certificate of credit counseling. A hearing was held in Wilson, North Carolina on January 12, 2010.

On November 23, 2009, Katina LaVern Glover (the "Debtor") filed a voluntary petition under Chapter 13 of the Bankruptcy Code. On November 25, 2009, the Court entered an Order allowing a temporary waiver of pre-petition credit counseling required by Section 109(h) of the Bankruptcy Code. Pursuant to the Order, the Debtor was required to obtain counseling from an approved credit agency no later than December 23, 2009. The Debtor failed to timely file the certificate of credit counseling and an Order for Show Cause was entered on December 29, 2009.

The Debtor appeared at the hearing and stated that she inadvertently enrolled in the wrong credit counseling course prior to December 23, 2009. She stated that she completed the correct credit counseling course on January 11, 2010 and presented the certificate of completion to the Court.

Section 109(h)(1) provides that an individual may not be a debtor under the Bankruptcy Code unless such individual has completed a credit counseling course within 180-days preceding the date of the filing. Pursuant to 11 U.S.C. § 109(h)(3)(B), a debtor may request an exemption of the requirements of subsection (h)(1) if the debtor meets certain requirements. Should the exemption be granted, the debtor has thirty (30) days to complete the credit counseling course. The Court may also grant an additional fifteen (15) days extension if requested by a debtor.

In this case, the Debtor filed the Statement of Compliance With Credit Counseling Requirement, also known as Official Form 1, Exhibit D.¹ Pursuant to the form, the Debtor stated that exigent circumstances exist as she attempted to obtain credit counseling services prior to the filing of her petition but that “[t]he website went down.” She also stated that she would try to finish up the course the next day. Based on her statements, the Debtor was permitted the exemption under Section 109(h)(3)(A). An order was entered requiring her to complete the credit counseling course by December 23, 2009. The Debtor did not request the additional fifteen (15) day period as may

¹Official Form 1, Exhibit D sets forth the following disclosure: “If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.”

have been allowed by Section 109(h)(3)(b). Had the Debtor done so, that deadline would have expired on January 8, 2010. The record reflects the course was not completed until January 11, 2010.

Therefore, the Court finds that since the Debtor failed to complete the credit counseling within the time limits set forth in Section 109(h) of the Bankruptcy Code and she does not meet the requirements to be eligible for a waiver of the credit counseling requirement, the case is **DISMISSED.**

SO ORDERED.

END OF DOCUMENT